

REMARKS

Applicant respectfully requests entry of the Amendment and reconsideration of the claims. Please cancel claims 1-11 and 15-34 without prejudice. Applicant reserves the right to prosecute these claims in a continuing application. Claim 12 has been amended. Support can be found throughout the application, including Example 1 at paragraphs 63-67. No new matter has been added. Claims 12-14 will be pending upon entry of this amendment. Applicant respectfully requests reconsideration of the claims and withdrawal of the pending claim objection and rejections under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 102(b).

Priority

The Examiner has requested a certified copy of the Canadian priority application filed December 4, 2003, in order to perfect the priority claim pursuant to 35 U.S.C. § 119(b). Canadian patent application no. 2,452,032 is submitted with this response.

Informalities

The Examiner has stated that the application number for the Canadian patent application filed December 4, 2003 is missing from paragraph [0002] of the specification. Applicant has amended this paragraph accordingly.

The Examiner has objected to the drawings for containing figure legends. Applicant has amended the figure legends accordingly. The Examiner has also objected to the size of the drawings; the application has been amended so that each drawing has been placed on an individual page.

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the aforementioned objections.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejects claims 1-11 and 32-34 under 35 U.S.C. § 112, first paragraph, and alleges that the scope of the claims is not commensurate with the scope of the specification. At page 4 of the Office Action, the Examiner acknowledges that the specification is enabling

for a composition of ovotransferrin, protamine sulfate and EDTA, of ovotransferrin and protamine sulfate, or of ovotransferrin and EDTA...
Solely to expedite prosecution, Applicant has amended claim 12 and cancelled claims 1-11 and 15-34. Applicant reserves the right to pursue prosecution of these claims in a continuing application. Support for amended claim 12 can be found throughout the application, including Example 1 at paragraphs 63-67. In view of amended claim 12, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

Rejections under 35 U.S.C. § 102(b)

The Examiner rejects claims 1-3, 5-9, 11, and 32-34 under 35 U.S.C. § 102(b) for allegedly being anticipated by art cited by the Examiner in the Office Action of June 9, 2005. The rejections are now moot due to the cancellation of claims 1-11 and 15-34. Applicant respectfully requests removal of the rejections under 35 U.S.C. § 102(b).

Claim Objections

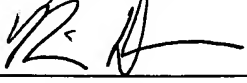
The Examiner objects to claims 12-14 as being dependent upon a rejected base claim, and stated that these claims would be allowable if rewritten in independent form. In view of amended claim 12, Applicant respectfully requests removal of the objections to claims 12-14.

Conclusion

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Brian R. Dorn
Reg. No. 57,395
BRD:RAD:kw

Date: September 9, 2005



Amendments to the Drawings:

The sheets of drawings attached in the Appendix include changes to Figs. 1-13. These clean sheets replace the original sheets. The drawings have been changed as follows: the figure legend (the text following the figure number) has been deleted in each of the 13 figures. The following is an example:

Figure 1: ~~Effects of OT, PS & EDTA alone and in combinations on biofilm formation in *E. coli*~~
~~P18~~